

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

EEOC :
v. : CIVIL ACTION NO. WMN-01-2872
WARFIELD-ROHR CASKET CO. :

AMENDED SCHEDULING ORDER

1. All discovery shall be completed by August 30, 2004.
2. A pretrial conference is scheduled for February 10, 2005 at 9:30 a.m. The pretrial order is due in chambers five days prior to the pretrial conference.
3. Requested voir dire, jury instructions and witness lists shall be e-filed with the Court, and a hard copy delivered to chambers by February 10, 2005. Any request for an instruction should be based on the pattern Modern Federal Jury Instructions, Sand et al. or, where Maryland law is applicable, on the Maryland Pattern Jury Instructions. Submissions should be by photocopy of the pattern instruction with any requested change or modification handwritten by interlineation.
4. The 3 day jury trial in this matter shall commence on February 22, 2005, at 10:00 A.M.; counsel are to arrive in chambers at 9:30 a.m. to discuss voir dire and jury instructions.
5. Counsel for the parties shall mark their documentary or physical evidence numerically in advance of trial, and shall provide a list containing a brief description of each item so marked. [See attached instructions]. Counsel for the plaintiff shall e-file said list with the court and shall serve a copy on defendant's counsel not later than February 3, 2005. Counsel for the defendant shall e-file said list with the Court and shall serve a copy on

plaintiff's counsel, not later than February 10, 2005.

6. The Clerk of Court shall e-mail copies of this Scheduling Order to counsel in this case.

/s/

**William M. Nickerson
Senior United States District Judge**

Dated: June 29, 2004

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

Instructions for Preparation of Exhibits and De Bene Esse Depositions for Use at Trial

Premarking Exhibits (106.7A)

1. Counsel are to premark all exhibits that may be introduced at trial and be prepared to submit to the Clerk, the Court, and opposing counsel, at least one business day prior to the scheduled trial date, two copies of an exhibit list. Unless counsel so desire, it is not necessary to provide a copy of the exhibits to opposing counsel or to the judge. All exhibits are to be marked with the tags enclosed and shall be retained by counsel until they are presented at trial.
2. It is desirable that the admissibility of as many exhibits as possible be stipulated so that these exhibits may be admitted into evidence at the beginning of trial. Those exhibits so stipulated should receive the first exhibit numbers.
3. Per L.R. 107.5.b, unless otherwise ordered by the Court or counsel requests that a particular exhibit be marked for identification only, whenever an exhibit number is first mentioned by counsel during the examination of a witness at trial, the exhibit shall be deemed to be admitted into evidence unless opposing counsel asserts an objection.
4. Exhibit tags for numbering and attaching to the exhibits are enclosed. A tag should be stapled to the upper left corner of the exhibit. The number of the tag should correspond to the number of the exhibit described on the exhibit list. If the document to be marked is small and could possibly be lost or misplaced because of its size, it is requested that you staple the document to a larger sheet of paper and affix the tag to same. Also, if the documents are small and numerous they may be grouped, given the same exhibit number and placed in a large letter size envelope. For tags on groups of photographs or checks, please affix a separate tag on each photograph/check and number as follows: 1-A, 1-B, etc. Insert the full case number on the sheet of tags and, if there is more than one party or more than one case being tried simultaneously, please insert the name of the one party you represent or all case numbers on each tag before copying. Please copy appropriate number of tags needed and cut them so they may be attached to the exhibits.
5. When numbering exhibits, the following colors of ink should be used to write the exhibit number on the tags to designate parties:

Plaintiff/Government - Red
Defendant - Blue
6. Leave the "**Admitted**" and "**Identified**" areas blank on the exhibit list and tags.
7. Give a brief description of each exhibit on the exhibit list. The list should be typewritten and double-spaced.
8. De Bene Esse Deposition - 106.2k. If a party desires to introduce into evidence at trial portions of a deposition in lieu of live testimony, the agreed portions and objected portions designated by page and line shall be listed in the proposed Pretrial Order.
9. Disposition of Exhibits - 107.5d.i. Counsel are requested to read Local Rule 107.5d.i and acquaint themselves with the procedure for disposition of all trial exhibits at the conclusion of the case.

PLAINTIFF'S EXHIBIT NO. _____

CASE NO. _____

IDENTIFICATION: _____

ADMITTED: _____

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CASE NO. _____

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VS.

Civil/Criminal Case No.: _____

Exhibits: _____